

## REMARKS/ARGUMENTS

### **1.) Claim Amendments**

Claims 1, 10, 14, 17 and 25 have been amended and claims 2, 18, 22-24 and 30-33 have been cancelled. Accordingly, claims 1, 3-17, 19-21 and 25-29 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Objections**

The Examiner objected to claim 14 for the inclusion of a parenthetical containing a reference numeral. Although there is no general prohibition against the use of drawing reference numerals within claims, claim 14 has been amended to delete the parenthetical reference.

### **3.) Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected claims 1-34 as being anticipated by Haumont<sup>1</sup>, et al. (WO 01/91382). The Applicant has amended independent claims 1 and 17 to include the limitations of claims 2 and 18, respectively, which have been cancelled. Analogous amendments have been made to independent claims 10 and 25. The claim sets beginning with claims 1 and 17 are directed to the invention as viewed from the perspective of a communication apparatus for maintaining an established connection between the communication apparatus and a network node, while the claim sets beginning with claims 10 and 25 are directed to the invention as viewed from the perspective of the network node. The Applicant traverses the rejections.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may

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<sup>1</sup> Although the Examiner refers to WO 01/91382 as "Haumont," the first-named inventor is properly Hurtta; the Applicants will refer to that reference as Haumont to maintain consistency.

be part of a device embodying the same general overall concept. Haumont fails to disclose each and every limitation of claims 1, 3-17, 19-21 and 25-29 and, therefore, those claims are not anticipated thereby.

Claim 1, as amended to include the limitations of claim 2, recites:

1. A method in a communication apparatus for maintaining an established connection between said communication apparatus and a network node of a serving communication network, comprising the steps of:

receiving an acceptance message from said network node in response to a request message relating to a first procedure transmitted to said network node;

determining whether any request relating to a second procedure is pending; and,

transmitting to said network node, if any request is pending when said acceptance message is received, a maintaining request for maintaining said connection, wherein the step of transmitting said maintaining request is executed if the pending request is received after the request relating to the first procedure is transmitted and before said acceptance message is received.  
(emphasis added)

The Applicant's invention is directed to solving a problem identified in the prior art that is reflected in the teachings of Haumont. As noted at page 4, line 5, *et seq.*, of Applicant's disclosure, "there is a problem in the prior art that the [Follow On Request (FOR)] has to be incorporated into the first message for establishing the connection." At page 4, line 20, *et seq.*, the Applicant identifies Haumont as disclosing a "Follow-on request [that] is sent in the [first] message if there is pending uplink traffic." (emphasis added) Thus, the Applicant identified Haumont as teaching the very problem that Applicant's invention solves. As noted by the Applicant at page 4, line 7, *et seq.*, "if . . . an establishment request [is received] after the request for a [first] procedure has been transmitted and before the established connection has been terminated, the connection might be terminated although a procedure is pending and awaiting service." (emphasis added) It is the undesired termination of an established connection that the Applicant's invention prevents.

As described by the Applicant at page 15, line 7, *et seq.*:

"As is known in the art, if the GMM unit receives the connection establishment request relating to a second procedure from the upper layers before the REQUEST relating to a first procedure is transmitted, a Follow-On Request (FOR) may be attached to the REQUEST relating to the first procedure. Then, the established connection will be maintained when the procedure relating to the first procedure is finished, wherein the connection does not have to be established again." (emphasis added)

In other words, as was known in the prior art, if a connection establishment request relating to a second procedure is received before a REQUEST message relating to a first procedure is transmitted, a Follow-On Request can be attached to the request relating to such first procedure. The Applicant's invention, however, addresses the situation when such an establishment request relating to a second procedure is received after a REQUEST message relating to a first procedure was transmitted. Haumont does not address that situation. As disclosed by the Applicant at page 16, line 3, *et seq.*:

"According to the invention, the upper layers (or the internal GMM event) may issue a connection establishment request relating to a second GMM procedure after the REQUEST message relating to the first GMM

procedure has been transmitted to the network GMM unit. If the ACCEPT message issued in response to the REQUEST message relating to the first procedure has not been received before the connection establishment request relating to the second procedure is received from the upper layers, the FOR request may according to the invention be incorporated into the COMPLETE message finishing the procedure relating to first GMM procedure. A single bit in the COMPLETE message may implement the FOR request, wherein "1" indicates that FOR is valid, and "0" indicates that FOR is not valid. If FOR in the COMPLETE message is valid, the network GMM unit will maintain the connection, otherwise the connection is terminated when the procedure relating to the first GMM procedure is terminated." (emphasis added)

According to the invention as recited in claim 1, a "maintaining request" is transmitted to the network node if any request is pending when an acceptance message is received; the acceptance message is received from the network node in response to the request message relating to a first procedure transmitted to the network node. In the embodiment described by Applicant, a FOR request incorporated into the COMPLETE message finishing the procedure relating to the first procedure corresponds to such a "maintaining request." The "maintaining request" is transmitted "if the pending request is received after the request relating to the first procedure is transmitted and before said acceptance message [relating to the first procedure] is received." Haumont does not teach that function.

As noted *supra*, claim 1 has been amended to include the limitations of claim 2. In rejecting claim 2, the Examiner referred to page 5, lines 13-36, and page 6, lines 1-5 of Haumont. The undersigned has reviewed the referenced portions of Haumont, as well as the full teachings thereof, and finds no teaching directed to solving the problem that arises when a connection establishment request is received after the request for a first procedure has been transmitted and before the established connection has been terminated, which leads to the connection being terminated although a procedure is pending and awaiting service. There is no teaching in Haumont of transmitting a "maintaining request" if a connection establishment request is received after a request relating to a first procedure is transmitted and before an acceptance message relating to

the first procedure is received. Therefore, Haumont does not anticipate claim 1 as amended to include the limitations of claim 2.

Whereas claim 17, as amended to include the limitations of claim 18, recites limitations analogous to those of claim 1, as amended to include the limitations of claim 2, it is also not anticipated by Haumont. Analogous amendments have been made to independent claims 10 and 25, which are directed to the invention as viewed from the perspective of the network node; therefore, those claims are also not anticipated by Haumont. Finally, whereas claims 3-9, 11-16, 19-21 and 26-29 are dependent from claims 1, 10, 17 and 25, respectively, and include the limitations thereof, they are also not anticipated by Haumont.

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### CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3-17, 19-21 and 25-29.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Roger S. Burleigh, Reg#40542/

Roger S. Burleigh  
Registration No. 40,542

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-5799  
[roger.burleigh@ericsson.com](mailto:roger.burleigh@ericsson.com)